



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING DEPARTMENT HEARING**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE July 21, 2006	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Richard Russ	FILE NO. COAL 06-0048 SUB2005-00198
SUBJECT Hearing to consider a request by Richard Russ for a Lot Line Adjustment (COAL 06-0048) to adjust the lot lines between two parcels of .22 and 2.54 acres each. The adjustment will result in two parcels of .57 and 2.19 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Commercial Retail land use category and is located on the northwestern corner of the Halcyon Road/Mesa View Drive (Highway One) intersection, (at 610 Mesa View Drive), approximately three miles north of the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 06-0048 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Five Categorical Exemption was issued on June 21, 2006.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 075-162-005 and 075-162-060	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Convenience store with gas station, residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Commercial Retail/Commercial <i>South:</i> Residential Single Family/Residences <i>East:</i> Commercial Retail/Undeveloped <i>West:</i> Residential Suburban/Residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Council, Public Works, Environmental Health, Agricultural Commissioners office, CalTrans			
TOPOGRAPHY: Mostly level		VEGETATION: Grasses, forbs, ornamentals	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF		ACCEPTANCE DATE: April 10, 2006	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

**PROJECT HISTORY:**

Currently, the project site contains an existing convenience store, four gas pumps (two of them operational), and an existing residence.

The parcels included in this Lot Line Adjustment were created by Conditional Certificates of Compliance. Subsequently, two Minor Use Permits were approved for the site, one for a remodel to an existing convenience store and addition of two gas pumps (D010057P), the more recent land use permit, (DRC2005-0057), modified the previous approval to just an addition of two gas pumps with a canopy. Conditions were placed on both the certificates of compliance and Minor Use Permit for road improvements, lighting and signage plans, and landscaping.

**ORDINANCE COMPLIANCE:**

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
.22 acres	.57 acres
2.54 acres	2.19 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to allow the existing commercial operation (convenience store and gas station) to be on a separate parcel from the existing residence on the project site.

**SB 497**

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

**STAFF COMMENTS:** This project allows the existing convenience store with gas station to be on its own separate parcel (Parcel 2). The other parcel (Parcel 1) will contain an existing single family residence which will need to be removed or brought into compliance with the commercial zoning prior to recordation of the final map or certificates of compliance because Land Use Ordinance standards preclude residences as a primary use on a site that is zoned Commercial Retail.

LEGAL LOT STATUS:

The two lots were legally created by certificates of compliance at a time when that was a legal method of creating lots.

**FINDINGS - EXHIBIT A**

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed parcels meet minimum parcel sizes for the Commercial Retail land use category.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class Five) pursuant to CEQA Guidelines Section 15303 because the project is a minor lot line adjustment on slopes less than twenty percent. In addition, the project is within an urbanized area that does not contain significant fish or wildlife habitat. A cultural resource investigation was conducted and found no evidence of resources.

**CONDITIONS - EXHIBIT B**

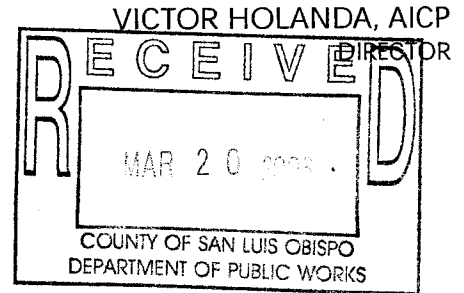
1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. The existing residence on proposed Parcel 2 shall be removed or brought into conformance with the Land Use Ordinance prior to the recordation of the map or certificates of compliance which effectuate the adjustment.

Staff report prepared by Stephanie Fuhs  
and reviewed by Kami Griffin, Supervising Planner



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE: 3-13-06

From: DW Dpm

To: Stephanie Fuhs

FROM: ☒ - South County Team

☐ - North County Team

☐ - Coastal Team

PROJECT DESCRIPTION: File Number: SUB2005-00198 Applicant: Russ

CORAL 06-0048-LCA involving 2 parcels for  
future sale. Located off Mesa View Dr. in Arroyo Grande.

APN: 075-162-000 & 005

Return this letter with your comments attached no later than: 3-28-06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☐ YES

(Please go on to PART II.)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

CAN we give tentative approval to A two parcel lot Linc Adjustment when one parcel  
still needs to satisfy conditions of Conditional Cert. of Compliance? MUP for fuel  
pumps conditions still outstanding. Co. Roads needs 25' Road Dedication.  
See enclosed conditions

Date 14 Apr 5-2006

Name DAN MANION

Phone 781-5275

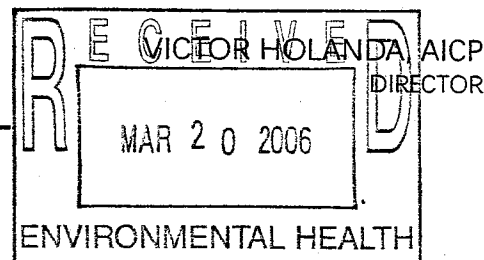


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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE: 3-13-06

TO: Env. Health

FROM: ☒ - South County Team    ☐ - North County Team    ☐ - Coastal Team

Stephanie Fuhs

PROJECT DESCRIPTION: File Number: SUB2005-00198 Applicant: Russ  
COAL 06-0048-LLA involving 2 parcels for  
future sale. Located off Mesa View Dr. in Arroyo Grande.  
APN: 075-162-000 & 005.  
Return this letter with your comments attached no later than: 3-28-06

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- ☐ YES    (Please go on to PART II.)  
☐ NO    (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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- ☐ YES    (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☐ NO    (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Application does not indicate if the existing facility is on sewer or septic.  
If it is on-site septic please have a full size exhibit showing  
the location of tank & leachfields. Thank you.

3/24/06  
Date

Laura Salo  
Name

781-5551  
Phone

# PROJECT REFERRAL COMMUNITY ADVISORY COUNCIL

Date Referred: \_\_\_\_\_

Project Planner/Manager: Fuchs

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your community group, we are enclosing a copy of the project application and plan for your preliminary review and comment. Please comment on all issues that you see may be associated with this project.

You may want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant / agent are provided on the application form that is attached.

## PROJECT INFORMATION

File Number: SVB2005-00198 Applicant: RWJ

Request: \_\_\_\_\_

STAFF COMMENTS: \_\_\_\_\_

**C.A.C. COMMENTS** The attached checklist is to help you with your review. ***You may choose to complete the checklist as your only response to this referral.***

- ☒ We have received the referral on the above-referenced project and have no comments.  
☐ We have received the referral and have the following comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please let us know the following:

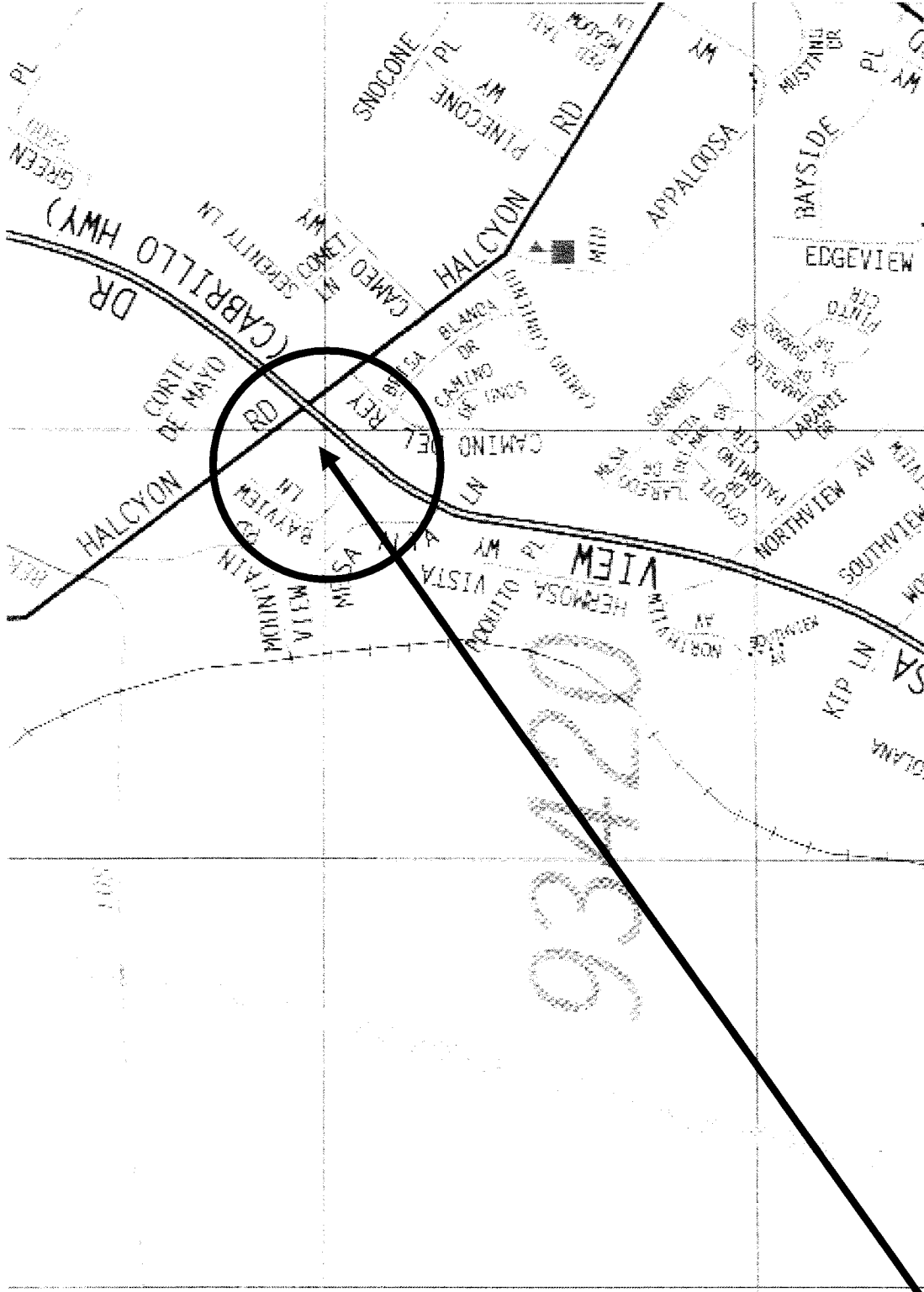
- ☐ Yes ☒ No Does your community group want to receive notice of the public hearing for the project?  
☐ Yes ☒ No Does your community group want a copy of the staff report when the project goes to public hearing?  
☐ Yes ☒ No Does your community group want to receive notice of the final action for the project?

Date Referral Action Taken By Community Advisory Council: 4-28-06

*Ed Eg*

**SEE REVERSE**





**SITE**

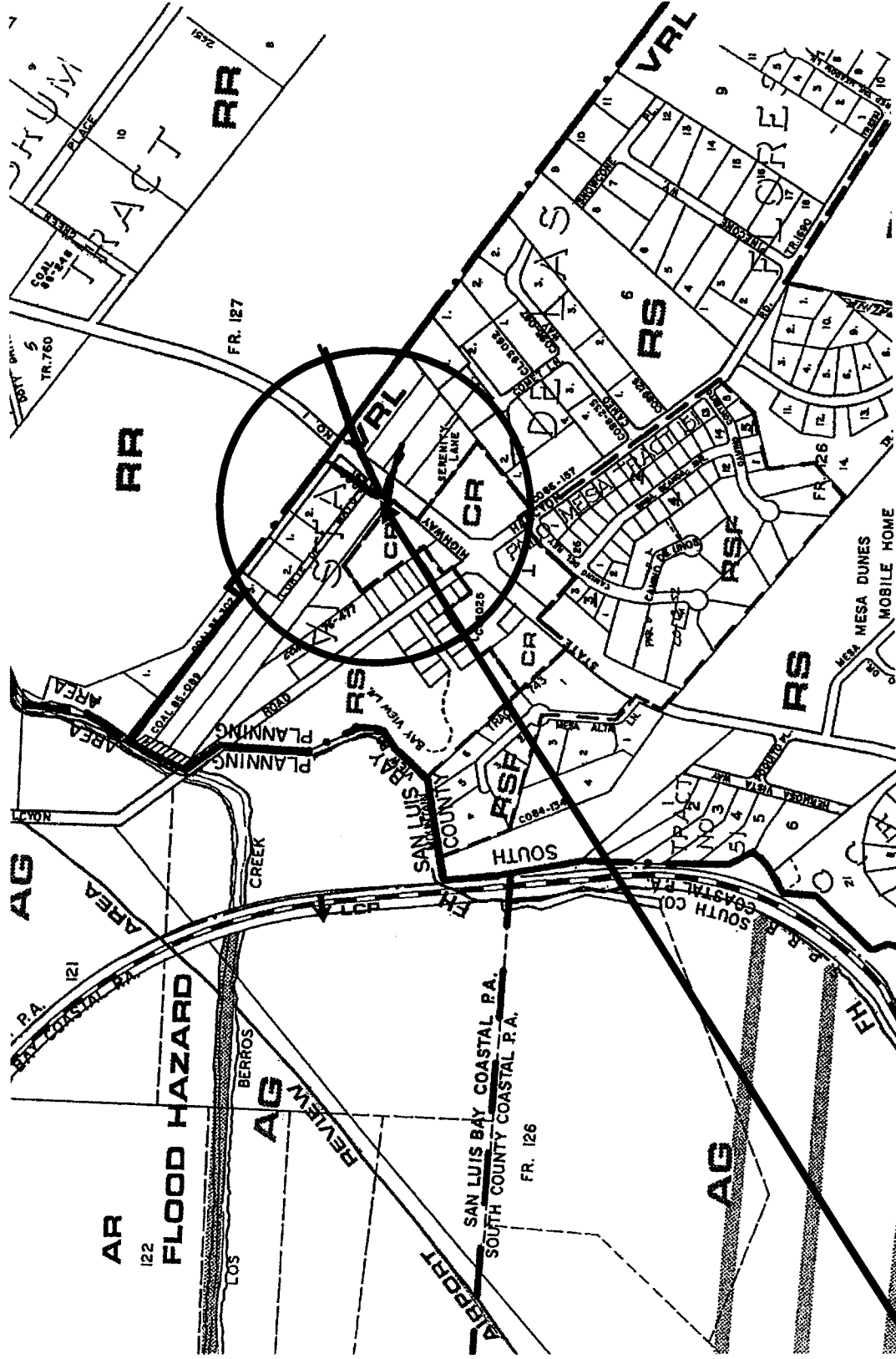
PROJECT

Lot Line Adjustment  
Russ SUB2005-00198



EXHIBIT

Vicinity Map



**SITE**

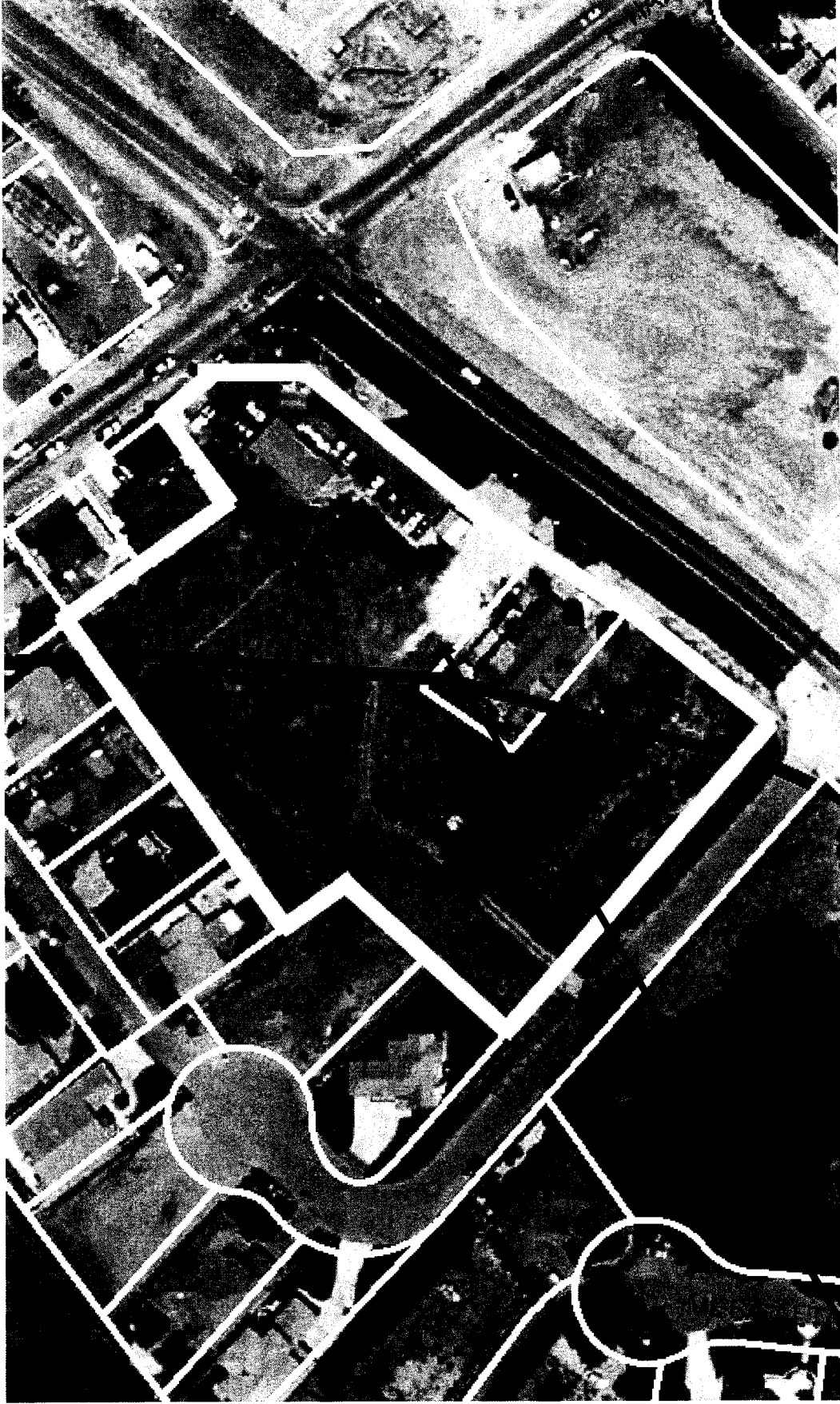
**PROJECT**

Lot Line Adjustment  
Russ SUB2005-00198

**EXHIBIT**

Land Use Category





**SITE**

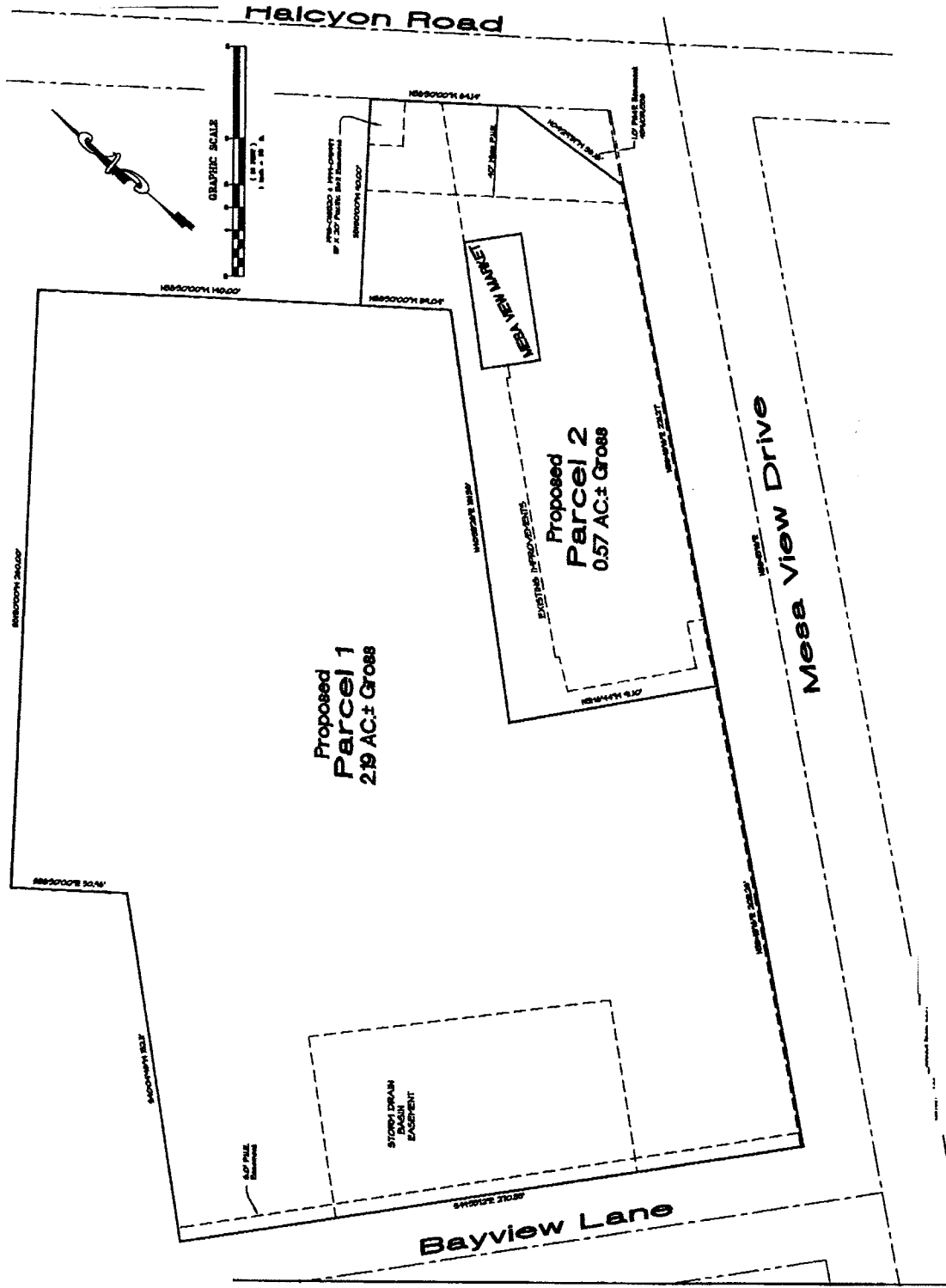
PROJECT

Lot Line Adjustment  
Russ SUB2005-00198

EXHIBIT

Aerial





PROJECT

Lot Line Adjustment  
Russ SUB2005-00198

EXHIBIT

Site Plan

